

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Geissler v. Stirling, Case No. 4:17-cv-01746-MBS

HAVE YOU OR A FAMILY MEMBER TESTED POSITIVE FOR HEPATITIS C?

ARE YOU OR A FAMILY MEMBER CURRENTLY INCARCERATED IN A SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (“SCDC”) FACILITY?

IF SO, YOU OR THAT FAMILY MEMBER COULD BE ENTITLED TO HEPATITIS C TREATMENT

This notice applies to the Class defined as all current and future inmates in SCDC custody who have been or will be diagnosed with chronic Hepatitis C.

A federal court authorized this notice. This is not a solicitation from a lawyer.

Current and former inmates have brought a class action lawsuit against SCDC seeking Hepatitis C testing and treatment of all SCDC inmates with chronic Hepatitis C. The case is called *Geissler v. Stirling*, Case No. 4:17-cv-01746-MBS.

Both sides previously agreed to settle the claims in the cases related to TESTING for chronic Hepatitis C through a Partial Settlement Agreement, which was approved by the Court. Information about the Partial Settlement Agreement may be found at Testing@SCHepC.com.

Now both sides have decided to settle the claims in the case related to TREATMENT for chronic Hepatitis C through a Proposed Consent Decree. This Proposed Consent Decree does not waive or release any rights that class members may have with regard to damages relating to the failure to test for or treat chronic Hepatitis C. If you are a member of the Class, then you have certain rights.

If you are a class member, you may comment on or object to the Proposed Consent Decree. The court will decide whether to approve or reject the proposed Consent Decree after a Final Hearing on or after April 29, 2020. You should submit your comments before April 29, 2020 to the attorneys representing each side through email at Treatment@SCHepC.com or through regular mail.

You may do nothing. If you do nothing, you will still be a member of the Class.

Frequently Asked Questions

What does the proposed Consent Decree say? A summary of the Proposed Consent Decree appears below. You can read the entire Proposed Consent Decree at www.SCHepC.com.

- All inmates will be offered testing for Chronic HCV consistent with the approved Partial Settlement Agreement;

- All inmates who are diagnosed with Chronic HCV will be evaluated for how severe their illness is and will be assigned an Acuity Level, with Acuity Level 1 being the most severe and Acuity Levels 2 & 3 being less severe.
- All inmates who are diagnosed with Chronic HCV will be provided treatment, including direct-acting antiviral medication, as follows:
 - Prior to April 22, 2022:
 - all inmates **diagnosed on or before October 15, 2019** with **Acuity Level 1** will begin treatment no later than April 15, 2020, provided the inmate has at least six (6) months remaining on his or her sentence at the time treatment begins;
 - all inmates **diagnosed after October 15, 2019** with **Acuity Level 1** will begin treatment no later than **180 days** after diagnosis, provided said inmate has at least six (6) months remaining on his or her sentence at the time treatment begins;
 - all inmates diagnosed **on or before October 15, 2019** with an **Acuity Level OTHER THAN 1** will begin treatment no later than **July 22, 2021**, provided said inmate has at least six (6) months remaining on his or her sentence at the time treatment begins; and
 - all inmates diagnosed **after October 15, 2019, but before April 22, 2022**, with an **Acuity Level OTHER THAN 1** will begin treatment no later than **April 22, 2022 or 180 days** after diagnosis, whichever is later, provided said inmate has at least six (6) months remaining on his or her sentence at the time treatment begins
 - **After April 22, 2022**, if not sooner:
 - all inmates diagnosed with Chronic HCV will begin treatment within **120 days of diagnosis**, provided said inmate has at least six (6) months remaining on his or her sentence at the time treatment begins
- Any inmate who does not have at least six (6) months remaining on his or her sentence at the time treatment could begin will be provided discharge planning and a link to a resource for treatment upon release.

How much money is being spent on providing treatment for Hepatitis C? SCDC has obtained funding for the 2019-2020 year and will be seeking additional recurring funding over the next four (4) years and beyond to the extent necessary to comply with the terms of the Treatment Consent Decree.

Why doesn't the Consent Decree address testing for Hepatitis C? The claims concerning testing SCDC inmates for chronic HCV were resolved previously in the Partial Settlement Agreement approved by the Court. SCDC is currently in the process of offering testing to all

SCDC inmates for chronic HCV in accordance with that agreement. SCDC inmates may opt-out of testing. See Testing@SCHepC.com.

Does this proposed Consent Decree waive any right that class members may have to individual damages? No. Class members who have Hepatitis C may still assert individual claims for damages.

What is this lawsuit about? Three inmates brought this lawsuit. They said that SCDC was not properly testing or treating inmates for Hepatitis C. If left untested and untreated, Hepatitis C can have harmful effects on individual health. Proper Hepatitis C testing and treatment can help reduce the spread of the disease.

Who is involved in this lawsuit? Three individual inmates brought this class action lawsuit against SCDC. In a class action lawsuit, one or more plaintiffs (the Class Representatives) bring claims on their own behalf and for others similarly situated (the Class Members). In this case, the three inmates are the Class Representatives. Class Counsel is Guttman, Buschner, and Brooks PLLC in Washington, DC, and Griffin Davis in Columbia, South Carolina.

What has happened in this case? To date, the parties have engaged in extensive fact-finding and negotiations. The parties have agreed to settle the claims in this case related to testing and treatment for Hepatitis C.

You may read the complaint at www.SCHepC.com.

How do I respond to the proposed Consent Decree? The Court will hold a Fairness Hearing for final approval of the Proposed Consent Decree at a date not before April 29, 2020

If you choose to send written comments, you can email them before April 29, 2020 to Treatment@SCHepC.com. Emails sent to Treatment@SCHepC.com will be forwarded to the attorneys representing the plaintiffs and defendants.

If you choose to use regular mail, please send a copy to attorneys representing the plaintiffs and defendants. Mail to:

James M. Griffin
Griffin Davis
P.O. Box 999
Columbia, S.C. 29202

and

Samuel F. Arthur III
PO Drawer 1931
Florence, SC 29503

Where can I go for more information? For more information, you can email Class Counsel at info@SCHepC.com.